

Application № 10/675,382
Reply to Office Action of December 6, 2007

AMENDMENTS TO THE DRAWINGS

One (1) replacement sheet of Figure 5 is attached following page 21 of this paper.

Fig. 5 has been amended to correctly show that the first party 501 performs step C, in accordance with the disclosure in ¶¶ 79-80 of the present application. The Applicant submits that no new matter has been added by the Replacement Sheet of Figure 5.

REMARKS / ARGUMENTS

The present application includes pending claims 1-31, all of which have been rejected. By this Amendment, claims 1-21, 23, 27, and 31 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Initially, the Applicant notes that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the *initial review* of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, Office personnel *should state all* reasons and bases for rejecting claims in the *first* Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

See Manual of Patent Examining Procedure (MPEP) § 2106(II). As such, the Applicant assumes, based on the goals of patent examination noted above, that the present Office Action has set forth "all reasons and bases" for rejecting the claims.

Claims 1-31 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0053081, issued to Griggs (hereinafter, Griggs). The Applicant respectfully traverses these rejections at least based on the following remarks.

I. Information Disclosure Statement

The Examiner states the following in page 2 of the Office Action:

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Incorporated references (Attorney Docket No. 14185US02 and Attorney Docket No. 14274US02) are disclosed in paragraph [02] of the specification.

The Applicant points out that it is believed that none of the references cited in the cross-reference section (or any other section that incorporates an application by reference) of the present application qualify as prior art to the present application. In instances where a cross-reference section was used (or any other section which incorporates an application by reference), the Applicant points out that the Examiner was simply being notified of applications that may be considered related to the present application (e.g., including at least one common

inventor and/or a common disclosure with the present application). Therefore, it is believed that none of the references cited in the cross-reference section (or in any other section that incorporates by reference) need be cited in an IDS.

II. Specification

The disclosure was objected to because of informalities. The Applicant has amended the Specification, as set forth above, to overcome this objection.

The Specification was also objected to for allegedly failing to provide proper antecedent basis for the claimed subject matter. The Applicant respectfully disagrees and points out that the various types of processors stated in claim 31 are stated in paragraph 101 of the specification. In addition, the Applicant submits that it is known in the art what the terms "media peripheral", "computer", and a "storage system" mean. Therefore, the Applicant submits that there is no need for further clarification of the terms "media peripheral processor", "computer processor", and a "storage system processor." With regard to the terms "media processing system (MPS)" and "media exchange software (MES)", the Applicant submits that the specification is sufficiently informative as to the meaning of these terms. For example, the Examiner is referred to Figures 1A-3 and the corresponding description in paragraphs 33-75 for additional information on what is meant by "media processing system (MPS)" and "media exchange software

(MES)". Obviously, a "media processing system (MPS) processor" and a "media exchange software (MES) processor" would be a processor that performs one or more of the functionalities of a "media processing system (MPS)" and a "media exchange software (MES)", as already described in the specification.

The Applicant respectfully requests that the objections to the Specification be withdrawn.

III. Drawings

The drawings were objected to because of incorrect labeling.

Fig. 5 has been amended to correctly show that the first party 501 performs step C, in accordance with the disclosure in ¶¶ 79-80 of the present application. The Applicant submits that no new matter has been added by the Replacement Sheet of Figure 5.

REJECTION UNDER 35 U.S.C. § 102

IV. Griggs Does Not Anticipate Claims 1-31

The Applicant now turns to the rejection of claims 1-31 under 35 U.S.C. 102(a) as being anticipated by Griggs. With regard to the anticipation rejections under 102, MPEP 2131 states that "[a] claim is anticipated only if **each and every**

element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See *id.* (internal citation omitted).

A. Rejection of Independent Claims 1, 11, and 21 under 35 U.S.C. § 102(a)

With regard to the rejection of independent claim 1 under 102(a), the Applicant submits that Griggs does not disclose or suggest at least the limitation of "detecting, at a first geographic location, available media at a plurality of different storage locations within said first geographic location," as recited by the Applicant in independent claim 1. The Office Action states the following:

With respect to Claim 1, the claimed "detecting available media; and constructing at least one display indicating the availability of said detected available media at a plurality of different storage locations" is met by Griggs that disclose a system in which content available from a plurality of content providers is detected and displayed using a schedule 100, in which content providers (S_1 , S_2 , S_3 , and S_n) along with their corresponding content data availabilities (C_1 , C_2 , C_3 , and C_n) & additional programs available from the content providers (C_1' , C_2' , C_3' , and C_n') are listed (Figs.1 ,2,& 3; paragraphs [0004], [0025],[0026],[0029], & [0032]).

See Office Action at page 5. Griggs discloses a system for scheduling and distributing programs, where the schedule comprises a source field and one or

more corresponding content data fields. The source field lists program providers and the content fields lists programs that are available from the program providers. See Griggs at Abstract. Referring to FIG. 5a of Griggs, the distribution architecture utilizes a server unit 505 coupled to a remote content provider 511, where the server unit 505 monitors content availability at the remote provider 511 and organizes the program availabilities into customized program schedules, as illustrated by the schedule format 200 of FIG. 2. See Griggs at ¶¶ 0043-0048 and FIG. 5a. In this regard, Griggs discloses that the content detection by the server 505 is performed remotely from where the content is located, i.e., at remote provider 511. In some instances, Griggs also discloses several separate and remote content providers (provider 1 and provider 2). See Griggs at FIGS. 8-9. Therefore, the Applicant submits that Griggs does not disclose or suggest at least the limitation of "detecting, at a first geographic location, available media at a plurality of different storage locations within said first geographic location," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Griggs and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20, and 22-31

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(a) as being anticipated by Griggs has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-10, 12-20, and 22-31 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-10, 12-20, and 22-31.

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CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: 06-MAR-2008

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